



联合国
粮食及
农业组织

FOOD AND
AGRICULTURE
ORGANIZATION
OF THE
UNITED NATIONS

ORGANISATION
DES NATIONS
UNIES POUR
L'ALIMENTATION
ET L'AGRICULTURE

ORGANIZACION
DE LAS NACIONES
UNIDAS PARA
LA AGRICULTURA
Y LA ALIMENTACION

منظمة
الغذية
والزراعة
للأمم
المتحدة

Viale delle Terme di Caracalla,
00100 Rome, Italy

Cables:
FOODAGRI ROME

Telex: 625852 FAO I
625853 FAO II/ 610181 FAO I

Facsimile: 52254408
5782610/ 52255155

Telephone:
52251



Consultative Group on International Agricultural Research

Telephone: (1-202) 473-8951 Fax: (1-202) 473-8110

Mailing Address: The World Bank, 1818 H Street, NW, Washington, DC 20433, USA

26 October 1994

JOINT STATEMENT OF FAO AND THE CGIAR CENTRES ON THE AGREEMENT PLACING CGIAR GERMPLASM COLLECTIONS UNDER THE AUSPICES OF FAO.

The International Agricultural Research Centres of the Consultative Group on International Agricultural Research (the Centres), which hold plant genetic resources in trust in their genebanks, listed at the end of this joint statement, have placed these collections under the auspices of FAO as part of the International Network of Ex Situ Collections, under agreements signed with FAO (the Agreement).

The text of the Agreement is essentially that approved by the Commission on Plant Genetic Resources (CPGR) in April 1993 and the FAO Conference in November 1993 with the modifications introduced into the text to reflect the concerns expressed by the CPGR on certain points. The modifications deal with (i) clarification of the concept of trusteeship and beneficiary, in particular as it relates to the concept of ownership; (ii) obligations with respect to the conservation of germplasm and its availability that would flow from the concept; (iii) the policy role of the CPGR; and (iv) the duration of the agreement and opportunities for its review by the CPGR.

The modified draft agreement was further commented on by the Working Group of the CPGR at its ninth session (Rome, 11-12 May 1994), which expressed its concern that the draft agreement, substantially in its present form should be concluded as soon as possible. In so doing the Working Group drew attention to the need to clarify the implication of the words "without restriction" at the end of Article 9, in the light of the Convention on Biological Diversity and the ongoing process of renegotiation of the International Undertaking on Plant Genetic Resources. It was suggested that the words either be deleted or be clarified in a joint statement, by the parties to the agreement, to be presented to the CPGR. The text of the Agreement to be signed on 26 October 1994 is identical to that presented to the Working Group in May 1994, with the addition, at the beginning of Article 9, of the expression "Subject to the provisions of Article 10 below".

In considering the final text of the Agreement, the common understanding of the parties concerning certain of its provisions is hereby communicated to the Commission on Plant Genetic Resources, as follows:

1. Article 3(b): This article does not prevent the Centres from using instruments such as material transfer agreements when they are designed to ensure the materials distributed remain in the public domain as is required under Article 10.
2. Article 3(b): The words "related information" at the end of Article 3(b) refer to information which has been compiled with respect to individual accessions. Such information includes passport and characterization data and, when available in the databases of the respective genebanks, evaluation data and information on indigenous knowledge.
3. Article 9: The words "without restriction" at the end of Article 9 should be interpreted consistently with the Convention on Biological Diversity and as not in any way affecting the rights of countries of origin under this Convention.
4. Article 9: The words "Subject to the provisions of Article 10 below" were added at the beginning of the Article to clarify that the words "without restriction" in Article 9 are not interpreted as a limitation on the ability of the Centres to obtain commitments from persons and entities receiving samples of designated germplasm as stated in Article 10.
5. Article 10: With respect to the transfer of samples of designated germplasm, the requirements of Article 10 will be satisfied by arrangements, such as material transfer agreements, that require the recipient not to seek intellectual property protection on the material and to pass on the same obligation to subsequent recipients. Similarly, with respect to the transfer of duplicates of collections, or parts thereof, for safety purposes, the requirements of Article 10 will be satisfied by an agreement under which the recipient institution undertakes to observe the maintenance obligations set out in Article 5(a). However, in neither case will the source Centre be under an obligation to monitor the compliance of the recipient with these undertakings; the obligation of the source Centre will be limited to obtaining such undertakings on the part of the recipient.
6. The parties to the Agreement recognize that the conclusion of the Agreement represents but one stage of a continuing, dynamic process and agree to continue the dialogue in the context of the implementation of the Convention on Biological Diversity and the FAO Global System on Plant Genetic Resources. They will consult from time to time to review these matters and to consider such modifications as may be appropriate in the circumstances.

Centro Internacional de Agricultura Tropical (CIAT)
Centro Internacional de Mejoramiento de Maiz y Trigo (CIMMYT)
Centro Internacional de la Papa (CIP)
International Center for Agricultural Research in the Dry Areas (ICARDA)
International Center for Research in Agroforestry (ICRAF)
International Crops Research Institute for the Semi-Arid Tropics (ICRISAT)
International Institute for Tropical Agriculture (IITA)
International Livestock Centre for Africa (ILCA)
International Plant Genetic Resources Institute (IPGRI)/International Network for the Improvement of Banana and Plantain (INIBAP)
International Rice Research Institute (IRRI)
West Africa Rice Development Association (WARDA)
Centre for International Forestry Research (CIFOR)